IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 310 OF 2007

Satish Uttamrao Koli] .. Petitioner

Versus

1. State of Maharashtra & 2 ors.] .. Respondents

Mr. R.K. Mendadkar for the petitioner.

Mr. C.R. Sonawane, AGP, for the respondents.

CORAM: S.B. MHASE, &
R.S. MOHITE, JJ.

DATED: 26TH APRIL, 2007

P.C. :

. Heard.

2. The Scrutiny Committee, after a vigilance cell enquiry, has found that the Birth Certificate of the grandfather of the petitioner has been tampered. Initially, there was an entry as "Koli" and thereafter, there is a further word added as "Helmare" by different ink etc. The Committee has ultimately come to the conclusion that the grandfather and uncle of the petitioner were Kolis and there is no reference to the

word "Tokare Koli" in the old record. The Committee has also considered that the record of the petitioner and his brothers etc. and father is as per the instructions of his father and ultimately the Committee came to the conclusion that the documents that have been furnished are manipulated and fabricated. The learned counsel for the petitioner tried to submit before us that two cousins of the petitioner viz. Prateek Chhagan Wakade and Sheetal Chhagan Wakade have been validated by the Caste Scrutiny Committee.

3. To prove a relationship on the basis of genealogy and to support it by the documents was the responsibility of the petitioner. However, the petitioner could not prove the genealogy by appropriate documentary evidence. Apart from that, what we find is that the surname of the petitioner is "Koli" and not "Wakade". However, the caste verification is in respect of the persons whose surname is Wakade. Unless the genealogical tree is established by appropriate evidence, it is very difficult to accept the submission of the learned counsel for the petitioner that the close relatives of the petitioner have been decided to be "Tokare Koli" and, therefore, the petitioner is entitled for the benefit.

4. We do not find any error in the judgment of the Scrutiny Committee and, therefore, we refrain to entertain the Petition and it is, accordingly, rejected.

Sd/-
[R.S. MOHITE, J.]

Sd/-
[S.B. MHASE, J.]